

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LANCE IAN OSBAND,

Petitioner,

vs.

ROBERT L. AYERS, JR.,  
Acting Warden of San Quentin  
State Prison,

Respondent.

No. CIV S-97-0152 WBS KJM

DEATH PENALTY CASE

ORDER

On April 5, 2007, the undersigned held a status conference. Tivon Schardl appeared for petitioner. Tim Brosnan participated telephonically for petitioner. Ward Campbell and Stephanie Mitchell appeared for respondent. The court issued orders from the bench on the subjects raised in both parties' second motions in limine. The court discussed with counsel respondent's introduction of photos, which was raised originally in the petitioner's first motion in limine, and rulings on this issue were deferred. In addition, the court raised the issue of the August 10, 2000 protective order's applicability to testimony or evidence introduced at the evidentiary hearing. It should be clear that the court will not issue a blanket order sealing the entire testimony of any party. The closing of the hearing, and the sealing of transcripts of any testimony, shall be as limited as possible. To that end, and to minimize the opening and closing of the hearing, the parties shall make every attempt to cluster all questions covering the subject

1 matter of the protective order.

2 Respondent's counsel also raised the issue of possible conflict between the  
3 protective order and the rights of victims to be present during this proceeding. By April 12,  
4 2007, respondent shall file a concise brief addressing this issue. By April 18, 2007, petitioner  
5 shall file any response. If necessary, the parties may argue the issue before the evidentiary  
6 hearing begins on April 23, 2007.

7 DATED: April 5, 2007.

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9 U.S. MAGISTRATE JUDGE  
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